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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,475	05/10/2001	Warren A. Ceroll	0275A000385	6023

27572 7590 08/12/2003

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

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DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/852,475

Applicant(s)

CEROLL ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, the phrases "a detent lever pivotally attached to said table at a first position", "said detent lever being movable between a first position...", and "said locking lever movable between a first position..." are unclear. It is uncertain if the "first position" in each phrase is the same first position.

In regards to claim 1, the phrases "a second position where the table is free to rotate relative to the base" and, both occurrences of, "a locking lever pivotally attached to said table at a second position". It is uncertain if the "second position" in each phrase is the same second position.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-5 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Brault et al. (5,819,624). Brunson discloses the invention including a base (12), a table rotatably secure to the base (44), a detent system disposed between the table and the base (Fig. 5), that the detent system includes a detent lever attached at a first position (89), that the detent lever is movable between a first position where the table is releasably held and a second position where the table is free to rotate (Figs. 8A-C), a detent plate (48) fixedly secure to the table (Fig. 5), that the detent plate defines at least one slot (54), a detent spring (86) fixedly secure to the table (Fig. 6), that the detent spring is biased toward the detent plate (Fig. 8A), that the detent spring engages a detent slot to releasably hold the table with respect to the base (92), that the detent lever engages the detent spring (Fig. 6), a locking mechanism (94) disposed between the base and the table (Fig. 6), that the locking mechanism is parallel to the detent system (Fig. 6), that the locking mechanism includes a lever (87) pivotally secured to the table at a second position (Fig. 6), that the locking lever is movable between a first and a second position (Fig. 5), a locking bracket (94) fixedly secured to the table (Fig. 6) and movable between a released and retained position (Figs. 8A-C), a locking rod (84) disposed between the locking lever and the locking bracket (Fig. 6), that the locking rod moves the locking bracket to the retained position when the locking lever is pivoted to the locked position (Fig. 8A), that the detent system includes a detent lever (89) pivotally secured to the table (Fig. 6) for moving the detent spring away from the detent plate (Fig. 8C), that the locking rod is parallel and adjacent to the detent lever (Fig. 8B), that the detent lever is biased away from the detent spring (93), and that the

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detent override lever is disposed adjacent the locking lever (Fig. 6) but fails to disclose that the first position, where the detent lever is pivotally attached, is spaced from the second position, where the locking lever is pivotally secure. Brault et al. teaches a first position, where the detent lever is pivotally attached, (154) that is spaced from the second position, where the locking lever is pivotally secure (146, 98). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Brunson with first and second attachment positions, as taught by Brault et al., to allow for the detent and locking levers to move independent from another.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4 and 6-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1148



JP
August 7, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700